IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14802 of 2004

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Between:

1 T.Aravind Singh, S/o.Sri T.Shankar Singh,
R/o.13-6-416/2, New Ram Singpura Colony,
Karwan, Hyderabad.
2 M.Suresh Singh, S/o.Sri M.Kishan Singh,
R/o.13-6-416/134, New Ram Singpura Colony,
Karwan, Hyderabad.
3 M.Gokul Singh, S/o.Late Narsingh Bhan,
R/o.13-6-416/105, New Ram Singpura Colony,
Karwan, Hyderabad.
4 T.Surya Bai, W/o.Sri T.Roop Singh,
R/o.13-6-416/12, New Ram Singpura Colony,
Karwan, Hyderabad.
5 Ranjeet Singh, S/o.Devi Singh,
R/o.13-6-417/8, New Ram Singpura Colony,
Karwan, Hyderabad.
6 Md.Farooq, S/o.Md.Shafeeq,
R/o.13-6-417/15, New Ram Singpura Colony,
Karwan, Hyderabad.
7 Kundan Lal, S/o.Late M.Sital Singh,
R/o.13-6-417/24, New Ram Singpura Colony,
Karwan, Hyderabad.
8 M.Balbeer Singh, S/o.Late M.Narsingh Bhan,
R/o.13-6-417/44, New Ram Singpura Colony,
Karwan, Hyderabad.
9 P.Praveen Singh, S/o.Sri P.Manohar Singh,
R/o.13-6-417/54, New Ram Singpura Colony,
Karwan, Hyderabad.
10 M.Nitesh Singh, S/o.M.Kishan Singh,
R/o.13-6-417/64, New Ram Singpura Colony,
Karwan, Hyderabad.
11 P.Shivalal, S/o.Late S.Balu Singh,
R/o.13-6-416/76, New Ram Singpura Colony,
Karwan, Hyderabad.
12 M.Sateesh Singh, S/o.M.Kishan Singh,

R/o.13-6-417/87, New Ram Singpura Colony,
Karwan, Hyderabad.

13 M.Mahender Singh, S/o.Late M.Lakhan Singh,
R/o.13-6-417/87, New Ram Singpura Colony,
Karwan, Hyderabad.

14 A.Rajesh Singh, S/o.Late A.Kishan Singh,
R/o.13-6-417/112, New Ram Singpura Colony,
Karwan, Hyderabad.

15 M.Youraj singh, s/o.M.Shankar Singh,
R/o.13-6-417/131, New Ram Singpura Colony,
Karwan, Hyderabad.

..... PETITIONERS

AND

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1 The Dist.Collector, Hyderabad.
2 The Revenue Divisional officer, Hyderabad Division,

Hyderabad.
3 The Mandal Revenue officer, Asifnagar Mandal,

Hyderabad.
4 Deputy Commissioner, Municipal Corporation of

Hyderabad Circle IV, Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in attempting to demolish the dwelling houses of the petitioners and also trying to dispossess them from their lands without issuing prior notice and without giving the petitioner any opportunity of being hears as illegal, arbitrary, unjust, highhanded apart from violative of fundamental rights guaranteed under constitution of India and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioners house bearing Nos.13-6-416/2, 13-6-416/13, 13-6-416/105, 13-6-416/12 13-6-417/8, 13-6-417/15, 13-6-417/24, 13-6-417/44, 13-6-416/54, 13-6-417/64, 13-6-416/76, 13-6-417/77, 13-6-417/87, 13-6-417/112, 13-6-417/131 of New Ramsingpura Colony, Karwan, Hyderabad respectively.

Counsel for the Petitioners: MRS.G.JAYA REDDY

Counsel for Respondents 1 & 2: GP FOR REVENUE

Counsel for Respondent No.3: Mr. Ganta Rama Rao S.C for R3

The Court Made the Following ORDER:

The petitioners herein are claiming to be the owners of the houses being house Nos. 13-6-416/2, 13-6-416/13, 13-6-416/105, 13-6-416/12, 13-6-417/8, 13-6-417/15, 13-6-417/24, 13-6-417/44, 13-6-416/54, 13-6-417/64, 13-6-416/76, 13-6-417/77, 13-6-417/87, 13-6-417/112, 13-6-417/131 of New Ramsingpura Colony, Karwan, Hyderabad filed the present writ petition to declare the action of the respondents in attempting to demolish the dwelling houses of the petitioners and also trying to dispossess them from their lands without giving any prior notice or opportunity as illegal and arbitrary and violative of principles of natural justice and fundamental rights guaranteed under Article 21 of the Constitution of India.

While staying the demolition this court directed the respondents to obtain necessary instructions. Pursuant to the same, the Mandal Revenue Officer, the third respondent herein filed counter affidavit stating that on his enquiry with the municipal authorities it is informed that the said house numbers stated in paragraph No.2, do not exist on any land in new Ramsinghpura Colony, Karwan, Hyderabad. The MCH Authorities in their letter dated 23-8-2004 informed him that the property tax receipts issued on the said house numbers are not issued by the concerned Bill Collector. The (2) property tax receipts issued on H.No.13-6-416 and 13-6-417 are issued by the concerned Bill Collector with correct facsimile of the Deputy Municipal Commissioner. The other (15) receipts issued on by numbers of 13-6-416 and 13-6-417 are fake. It is also stated that the property tax receipts said to have been issued are not issued by the MCH and the said properties were not assessed by the Municipal officials at any time. There are no such Property Tax Index Number (PTIN) in locality No.114 (Ramsingpura area). Actually there will be 14 digit for each PTIN. But as per the property tax receipts submitted by the petitioners some are having 13 digits and some are having 12 digits. All the said receipts were fabricated for the purpose of filing of this writ petition. In the counter affidavit it is also specifically stated that the survey numbers specified are Inam lands and no person is entitled to claim right without any occupancy rights certificates under the provisions of Inam Abolition Act. As a matter of fact the claim made by third parties namely Sri Sajjan

Singh and others for grant of occupancy rights for the above lands and the survey numbers which were rejected to by the Revenue Divisional Officer, Hyderabad on 13-3-2004 after considering the objections filed by Sri Krishnakumar V.Shah. Against the said order an appeal is filed before the Joint Collector, which is pending. In view of the same protecting of houses, which are not existing in Ramsingpura area does not arise.

After hearing the learned counsel on either side, since there is a dispute with regard to the very existence of the said houses and house numbers, it is not desirable for this court to give any finding with regard to the same. If the petitioners have any right over the property and are in possession of the same, it is always open for them to move the competent Civil Court and get a Commissioner be appointed to prove their possession and existence of the houses in the said survey number and can seek appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

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A. Gopal Reddy, J.

30th August, 2004.

Js.

To

1 The Dist.Collector, Hyderabad.
2 The Revenue Divisional officer, Hyderabad Division,

Hyderabad.
3 The Mandal Revenue officer, Asifnagar Mandal,

Hyderabad.
4 Deputy Commissioner, Municipal Corporation of

Hyderabad Circle IV, Khairatabad, Hyderabad.

5 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

6 2 CD copies